

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

RIVER CITY MEDIA, LLC, et al.,

Plaintiffs,

v.

KROMTECH ALLIANCE
CORPORATION, et al.,

Defendants.

Case No. 2:17-cv-00105-SAB

**DECLARATION OF AMBER
PAUL IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTIONS TO
DISMISS**

I, Amber Paul, make the following declaration based upon my own personal knowledge and information provided to me by others at River City Media, LLC ("River City"):

1. I am the Chief Marketing Officer of River City Media, LLC. I reside in Idaho.

2. I have worked in the marketing industry as a marketing executive for 11 years and am intimately familiar with the theory, practices, and concepts of effective marketing, which necessarily includes an understanding of the importance of a company's reputation and the reputations of its business partners.

3. I have also worked in the technology industry for 11 years and have a sophisticated understanding of this market.

1 4. As home to technology industry giants such as Microsoft,
2 Amazon.com, and Expedia.com—and offices for Google, Facebook, and Apple—
3 Washington houses substantial numbers of the country's information security
4 professionals, many of whom read CSOonline.com.

5 5. River City's business partners—many of whom reside in
6 Washington—also read or get information from news stories published on
7 CSOonline.com.

8 6. From my perspective as a marketing professional and as Chief
9 Marketing Officer for River City Media, CSOonline.com has a wide reach with
10 respect to Plaintiffs' customers and business partners in this District.

11 7. I researched CSOonline.com's market reach and popularity, as well as
12 its executive and corporate structure by visiting CSOonline.com, IDG.com, and
13 IDGenterprise.com. IDG, Inc., IDG Enterprise, Inc., and CXO Media, Inc. all share
14 executives and appear to be part of a single media conglomerate. There are
15 multiple executives who serve roles in all three entities.

16 8. Brian Glynn is Chief Revenue Officer for both CXO and IDG
17 Enterprise according to their websites.

18 9. Bob Bragdon serves as SVP / Publisher, CSO for IDG Enterprise,
19 and appears as Publisher for CXO.

20 10. Greg Pinsky is the SVP/General Manager, Digital Media Group for
21 IDG Enterprise and the SVP/GM of Digital Operations for CXO. Pinsky's
22 biography page at IDGenterprise.com explains that he "oversees the media website
23 development, and online account services and advertising operations for multiple
24 brands, including...CSO...".

25 11. IDG Enterprise's website states simply that "IDG Enterprise is a
26 division of IDG." CSOonline.com states on the About Us page that
27 "CSOonline.com is published by IDG Enterprise, which is an IDG (International
28 Data Group) company."

1 12. I also researched Chris Vickery online and discovered that he has
2 discussed his methodologies and his philosophy for finding data breaches
3 extensively. For example, on Reddit, at
4 https://www.reddit.com/r/apple/comments/3wq9fc/massive_data_breach/, Vickery
5 described how he discovered the MacKeeper.com data breach. Even then,
6 commenters questioned the legality of his actions. Vickery also extensively
7 discussed his activities in a video webinar hosted on YouTube.com at
8 <https://www.youtube.com/watch?v=VhSDkUvyKZ8>. In this video, Vickery lays
9 out his personal legal theory for why his actions are legal.

10 13. The negative effects of the articles published by Vickery and Ragan
11 were swift and brutal—almost overnight River City Media became an unviable
12 business due to the reputational damage caused by these articles and the
13 defamatory statements within them.

14 14. CXO and Ragan would know that an article about a Spokane-based
15 business would be most interesting to Washington readers and deliberately
16 exploited Washington markets by publishing the Ragan Article on CSOnline.com
17 where it was certain to be read by people in Washington's large technology
18 industry.

19 15. This reputational damage spread to River City's landlord and ISP,
20 both of which ceased doing business with River City within days of the Vickery
21 and Ragan articles being published.

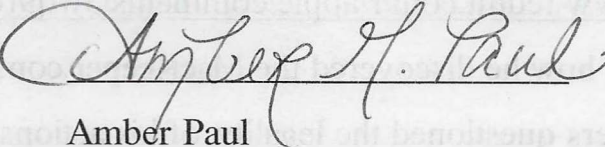
22 16. Accordingly, the majority of the reputation injury suffered by
23 Plaintiffs occurred in Washington *because* CXO and Ragan published the Ragan
24 Article on CSOnline.com, a widely-read news source for Washington's
25 technology industry.

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1 I declare under penalty of perjury that the foregoing is true and correct.

2
3 Executed on May 5, 2017.

4
5 
6 Amber Paul

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2017, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of filing (NEF) to the following:

Attorneys for Defendants International Data Group, Inc., CXO Media, Inc. and Steve Ragan

Kevin J. Curtis
WINSTON & CASHATT, LAWYERS, a Professional Service Corporation
601 W. Riverside, Ste. 1900
Spokane, WA 99201
kjc@winstoncashatt.com

Charles L. Babcock
William J. Stowe
Jackson Walker L.L.P.
1401 McKinney Street, Suite 1900
Houston, TX 77010
cbabcock@jw.com
wstowe@jw.com

Attorneys for Defendant Chris Vickery

Aaron Rocke
101 Yesler Way, Suite 603
Seattle, WA 98104
aaron@rockelaw.com

Additionally, I caused true and correct copies of the foregoing to be served via first-class U.S. Mail, postage prepaid, with a courtesy copy by email to:

Attorneys for Kromtech Alliance Corp.

Matthew D. Brown
Cooley LLP
101 California Street, 5th Floor
San Francisco, CA 94111
brownmd@cooley.com

I declare under penalty of perjury that the foregoing is true and correct.

s/ Rachel Horvitz

Rachel Horvitz

Paralegal